

1 Christopher Campanella  
2 309 Phillips Road  
3 Valley Falls NY 12185

4 UNITED STATES DISTRICT COURT  
5 NORTHERN DISTRICT OF NEW YORK  
6

U.S. DISTRICT COURT  
N.D. OF N.Y.  
FILED  
JUL 20 2010  
LAWRENCE K. BAERMAN, CLERK  
ALBANY

**Christopher Campanella**  
Plaintiff,

vs.

**AURORA LOAN SERVICING**  
Defendant

Case # 10-CV-0685-LEK-DRH

**PETITION FOR NO ANSWER  
DEFAULT**

Date: \_\_\_\_\_

7  
8 **PARTIES**

9 **PLAINTIFF'S REQUEST FOR ENTRY OF DEFAULT**

10 Plaintiff asks the court clerk to enter a default against defendant, as authorized by Federal  
11 Rule of Civil Procedure 55.

12 **A. Introduction**

13 1. Plaintiff is: Christopher Campanella , 309 Phillips Road Valley Falls NY 12185, and  
14 defendant is: AURORA LOAN SERVICING.

15 2. On June 11, 2010 plaintiff sued defendant for breach of fiduciary duty, fraud, fraud by  
16 nondisclosure, and violations of various consumer protection laws.

17 3. On June 11th, plaintiff filed with the court an ORIGINAL COMPLAINT. On June 21,  
18 2010 defendant was served with a summons and a copy of plaintiff's complaint by and through  
19 the United States Marshal Service. A copy of the return of service is attached as Exhibit A.  
20 Defendant did not file a responsive pleading or otherwise defend the suit.

21 4. Plaintiff is entitled to entry of default.

B. Argument

5. The court clerk may enter a default against a party who has not filed a responsive pleading or otherwise defended the suit. Fed. R. Civ. P. 55(a); *see United States v. \$23,000 in U.S. Currency*, 356 F.3d 157, 163 (1st Cir. 2004); *N.Y. Life Ins. Co. v. Brown*, 84 F.3d 137, 141 (5th Cir. 1996); *United States v. 51 Pieces of Real Prop. Roswell, N.M.*, 17 F.3d 1306, 1314 (10th Cir. 1994).

6. The clerk should enter a default against defendant because defendant did not file an answer within 20 days after 6/21/10, the date of service. Fed. R. Civ. P. 12(a)(1)(A)(i).

7. Plaintiff meets the procedural requirements for obtaining an entry of default from the clerk as demonstrated by United States Marshal R. Clarke's sworn affidavit, attached as Exhibit A. Said affidavit establishes by sworn testimony of Plaintiff that Defendant failed to answer or otherwise defend the instant action within the 20 day time period allowed by law.

8. Defendant is not a minor or an incompetent person. *See* Fed. R. Civ. P. 55(b)(1).

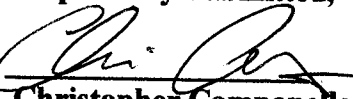
9. Defendant is not in military service. *See* 50 U.S.C. app. §521(b)(2). An affidavit of defendant's military status is attached as Exhibit A.

10. Because defendant did not file a responsive pleading or otherwise defend the suit, defendant is not entitled to notice of entry of default. *Haw. Carpenters' Trust Funds v. Stone*, 794 F.2d 508, 512 (9th Cir. 1986); *see* Fed. R. Civ. P. 55(a).

C. Conclusion

11. Plaintiff filed a suit against defendant in the court on the 11th day of June, 2010. Defendant failed to timely answer or otherwise defend said action and, thereby, Plaintiff is entitled to judgment against defendant in all things requested by Plaintiff in the suit. For these reasons, plaintiff asks the clerk to enter a default in favor of plaintiff.

Respectfully Submitted,

  
Christopher Campanella

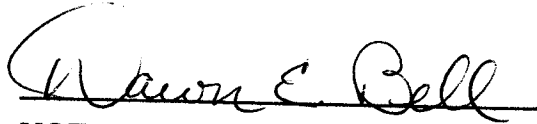
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65

**VERIFICATION**

I, Christopher Campanella , do swear and affirm that all statements made herein are true and accurate, in all respects, to the best of my knowledge.

Christopher Campanella  
309 Phillips Road  
Valley Falls NY 12185

SWORN TO AND SUBSCRIBED BEFORE ME, a Notary Public by Christopher Campanella, on the 19<sup>th</sup> day of July, 2010, which witnesses my hand and seal of office.



**NOTARY PUBLIC IN AND FOR  
THE STATE OF NEW YORK**

DAWN E. BELL  
Notary Public, State of New York  
No. 4968624  
Qualified in Rensselaer County  
Commission Expires July 2, 2014

U.S. Department of Justice  
United States Marshals Service**PROCESS RECEIPT AND RETURN**See Instructions for "Service of Process by the U.S. Marshal"  
on the reverse of this form.

PLAINTIFF	Christopher Campanella	COURT CASE NUMBER	1:10-cv-00685
DEFENDANT	Aurora Loan Servicing	TYPE OF PROCESS	
SERVE	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN		
AT	ADDRESS (Street or RFD, Apartment No., City/State and ZIP Code)		
	Aurora Loan Servicing 2617 College Park Scotsbluff, NE 68361		
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:			
Christopher Campanella 309 Phillips Rd Valley Falls, NY 12185		Number of process to be served with this Form - 285	
		Number of parties to be served in this case	
		Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

U.S. DISTRICT COURT - N.D. OF N.Y.  
**FILED**  
JUN 25 2010  
AT O'CLOCK  
Lawrence K. Baerman, Clerk

Fold

Signature of Attorney or other Originator requesting service on behalf of:

N. J. G. 230, deputy clerk

☐ PLAINTIFF  
☐ DEFENDANT

TELEPHONE NUMBER

DATE

6/17/10

**SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE**

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process 1	District of Origin No. 52	District to Serve No.	Signature of Authorized USMS Deputy or Clerk JJP	Date 6/17/10
---	--------------------	------------------------------	--------------------------	---	-----------------

I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☒ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

Address (complete only if different than shown above)

☐ A person of suitable age and discretion then residing in the defendant's usual place of abode.

Date of Service

6/21/10

Time

Signature of U.S. Marshal or Deputy

R. Clarke

Service Fee 8.00	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges 8.00	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
---------------------	---	----------------	-----------------------	------------------	--------------------------------	------------------

## REMARKS:

Service via cert. mail 6/17/10  
299 Form Rec'd 6/25/10

PRIOR EDITIONS  
MAY BE USED

1. CLERK OF THE COURT

FORM USM-285 (Rev. 12/15/09)

1 Christopher Campanella  
2 309 Phillips Road  
3 Valley Falls NY 12185

4 UNITED STATES DISTRICT COURT  
5 NORTHERN DISTRICT OF NEW YORK

**Christopher Campanella**

Plaintiff,

vs.

**AURORA LOAN SERVICING**

Defendant

Case # 10-CV-0685-LEK-DRH

**ORDER ON NO  
ANSWER DEFAULT**

Date: \_\_\_\_\_

6  
7 **ORDER ON ENTRY OF DEFAULT**

8 After considering plaintiff's request for entry of default against defendant, proof of service,  
9 the affidavits, and other evidence on file, the clerk

10 \_\_\_\_\_ DENIES the request.

11 \_\_\_\_\_ FINDS that the record supports entry of default and ORDERS the clerk to enter  
12 default.

13 SIGNED on \_\_\_\_\_, 2010\_\_.

14  
15 \_\_\_\_\_  
CLERK, U.S. DISTRICT COURT

16 APPROVED & ENTRY REQUESTED:

17 \_\_\_\_\_  
18 {Name of attorney submitting order}

ORDER ON NO ANSWER DEFAULT

Greetings,

Attached are Petition for No Answer Default and Oder for Case number 10-CV-0684-LEK-DRH

And

Petition for No Answer Default and Oder for Case number 10-CV-0685-LEK-DRH for the clerks signature and submission into each of the court cases.

On previous cases, the orders I used were discarded, and are only being offered with due diligence, as a pro se not wanting to cause any prolonged issue with the court. If you desire to send a copy, or a response, please send to

Chris Campanella

309 Phillips Rd

Valley Falls NY 12185

If you do not need to send me a copy, I will retrieve the response from PACER.

Thank you for your time and attention

Regards,

  
Christopher Campanella